

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

PATRIOT COAL SALES LLC)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:12-cv-01808
)	
KEYSTONE INDUSTRIES LLC)	
)	
Defendant.)	

**MEMORANDUM OF LAW IN SUPPORT OF
MOTION TO SEAL EXHIBITS**

On June 1, 2012, Patriot filed a Complaint seeking judgment in its favor and against Keystone Industries LLC (“Keystone”) for damages representing the present value of the loss of sales to Keystone in the quantities and prices specified in the coal purchase agreement; pre- and post-judgment interest; and for such further and additional relief as the Court deems just and proper. As stated in Patriot’s Complaint, Patriot and Keystone entered into a contract on or about December 7, 2011, pursuant to which Keystone agreed to purchase coal from Patriot (the “Coal Confirmation”). The Coal Confirmation contains a confidentiality provision designed to protect sensitive information which, if disclosed, could cause competitive harm to one or both parties. As a consequence, public dissemination would be inappropriate based on the terms of the Coal Confirmation. In addition, redaction of various provisions would be insufficient to adhere to the Coal Confirmation’s confidentiality clause.

Patriot requests that the Court seal Exhibits 1 and 2 to Patriot’s previously filed Complaint (Docket No. 1) for the duration of this case and as long as the court file is maintained. Sealing the exhibits is consistent with the parameters of the common law and First Amendment rights of access to the courts as interpreted by the Supreme Court and the Fourth Circuit Court of

Appeals. Allowing dissemination of the attached exhibits would not provide any meaningful benefit to the public at large.

PATRIOT COAL SALES LLC

By Counsel

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